

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	07-613 (SDW)
	:	
v.	:	
	:	
TYSHAUN ST. VALLIER,	:	
	:	
Defendant	:	
	:	<u>ORDER</u>
JOANNE BETHEA and	:	
LEROY MCCOY, a/k/a "Leroy Bethea,"	:	
	:	
Sureties	:	

This matter having come before the Court on the application of Christopher J. Christie, United States Attorney for the District of New Jersey (by Sandra L. Moser, Assistant U.S. Attorney, appearing), with notice to Paul Bergrin, Esq. (attorney for defendant Tyshaun St. Vallier), on a Notice of Motion for Bond Forfeiture Judgment as to the collateral posted as bail in this matter; and for good cause shown;

IT IS THE FINDING OF THIS COURT that the United States' motion should be granted for the following reasons:

(1) On or about May 24, 2007, bail was set in the above-entitled action for defendant Tyshaun St. Vallier at \$250,000 by the Honorable Madeline Cox Arleo in the District of New Jersey;

(2) On or about May 24, 2007, in the District of New Jersey, defendant Tyshaun St. Vallier, through his former attorney, Maria Noto, Esq., and Joanne Bethea, defendant's mother, and Leroy McCoy, a/k/a "Leroy Bethea," spouse of defendant's mother,

obligated themselves in the amount of \$250,000, which bail was secured by the available equity in the property at 2075 Price Street, Rahway, New Jersey (hereinafter "Collateral"). The conditions of the bond provided that the defendant was to restrict his travel to the District of New Jersey; surrender all passports and travel documents to pretrial services; report to pretrial services as directed; maintain or actively seek full-time employment; not commit any offense in violation of federal, state or local law; be subject to electronic monitoring with release approved by pretrial services; and undergo drug and alcohol treatment if deemed necessary; and if the defendant failed to perform these conditions, payment of the bond would be due forthwith;

(3) Defendant Tyshaun St. Vallier left his residence on July 21, 2008, at 10:26 a.m., as indicated by the electronic monitoring equipment furnished by pretrial services, and has not reported to pretrial services since that date and time;

(4) Defendant Tyshaun St. Vallier was approved to leave his residence on July 21, 2008, for a hearing regarding his pretrial motions in this Court, but defendant Tyshaun St. Vallier failed to appear in court and his attorney represented to the Court on the record that defendant Tyshaun St. Vallier had fled in anticipation of trial;

(5) Defendant Tyshaun St. Vallier breached the conditions of his release and on or about July 21, 2008, the Court issued a warrant for his arrest. The warrant remains outstanding;

(6) Defense counsel has stated that he advised Joanne Bethea and Leroy McCoy, a/k/a "Leroy Bethea," of the United States' motion; and

(7) No party has opposed the United States' motion.

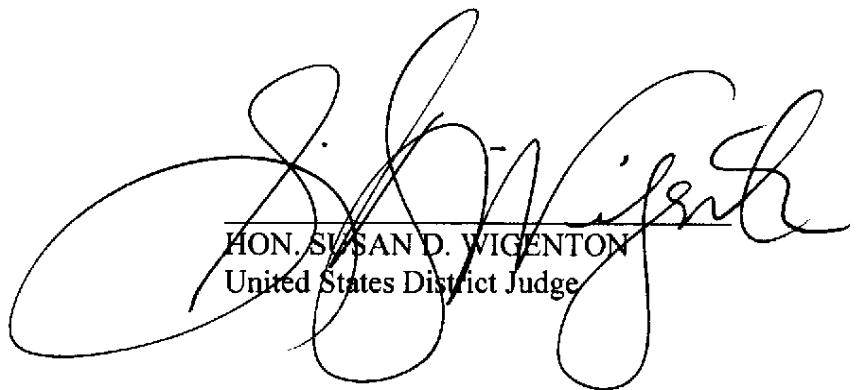
WHEREFORE, IT IS on this 23rd day of July, 2008

ORDERED that pursuant to Crim. R. 46(f) and Title 18, United States Code, Section 3146(d), the United States shall have and recover from defendant, Joanne Bethea, and Leroy McCoy, a/k/a "Leroy Bethea," jointly and severally, judgment in the amount of \$250,000, with interest thereon at the legal rate as provided by law; and it is further

ORDERED that the United States Marshals be appointed receiver to preserve the Collateral, sell it, and deliver the proceeds of the sale, after fees and expenses, to the United States Attorney to be applied to the appearance bond forfeiture judgment; and it is further

ORDERED that the United States Marshals shall vest exclusive possession in the United States of America all right, title and interest of defendant, Joanne Bethea and Leroy McCoy, a/k/a "Leroy Bethea," directly or indirectly, in the Collateral; and it is further

ORDERED that the United States shall and apply the sale and/or liquidation proceeds of the Collateral on account of the forfeiture order entered against the defendant, Joanne Bethea and Leroy McCoy, a/k/a "Leroy Bethea," towards satisfaction of the bail posted by the defendant.



HON. SUSAN D. WIGENTON
United States District Judge